

B. [§104.79] Script: Findings and Orders

Note: Findings and orders are contained in Judicial Council Form JV-320.

(1) Introduction

The court has read and considered [*name of documents, e.g., the assessment report of [date]*], which recommend [*adoption/eventual adoptive placement/guardianship/long-term foster care*], and attached documents.

[*If applicable, add*]

The court has also considered the testimony of the witnesses and their demeanor on the stand, as well as the arguments of counsel.

(2) Termination of Parental Rights

The court finds by clear and convincing evidence that [*name of child*] is likely to be adopted.

[*If child is of Indian heritage*]

The court finds by proof beyond a reasonable doubt that continued custody by the parent or Indian custodian is likely to result in serious physical or emotional damage to [*name of child*] based on the testimony of experts [*names of experts*], who said that [*provide factual basis*].

(3) Placement for Immediate Adoption

The parental rights of [*name of parents*] with respect to [*name of child*] shall be terminated and [*name of child*] shall be referred to [*name agency, e.g., licensed agency or State DSS*] for adoptive placement immediately.

(4) No Termination/180-Day Placement

Without terminating the parental rights of [*name of parents*] with respect to [*name of child*], the court orders that [*licensed agency or State DSS*] make efforts to locate an appropriate adoptive family within 180 days, that is, by [*date*].

A hearing is scheduled for [*date and time within 180 days*] to determine whether adoptive parents have been located and for further orders in this matter.

(5) Termination of Parental Rights Precluded

At each hearing at which the court was required to make findings concerning reasonable efforts or services, it found that reasonable efforts were not made or that reasonable services were not offered or provided.

[Or]

There is another parent who has not relinquished custody and whose parental rights should not be terminated. *[State facts.]*

[Or]

Termination of parental rights would be detrimental to *[name of child]* because:

[Choose appropriate statement]

[Name of parents or guardians] have maintained continuing visitation and contact with the *[name of child]* and *[name of child]* would benefit from a continuation of that contact in that *[explain]*. *[Name of parents or guardians]* have assumed a parental role with respect to *[name of child]*.

[Or]

[Name of child] who is ____ years old *[12 years old or older]* objects to the termination of parental rights as *[he/she]* has explained. *[Describe.]*

[Or]

[Name of child] has been placed in a residential treatment facility, adoption is not likely or desirable, and continuation of parental rights will not prevent the child from finding a stable placement if the parents cannot resume custody when the child is released from residential care.

[Or]

[Name of child] is living with a *[name of relative or foster parent]* who is unwilling to adopt, but is willing to accept legal responsibility for *[name of child]* and to provide a stable home for *[name of child]*, and removal of *[name of child]* from that placement would be emotionally detrimental to *[him/her]*.

[Or]

[Name of child who is the subject of the .26 hearing] has a sibling relationship that is very important to *[him/her]*, and termination of parental rights would create a substantial interference with that relationship so that termination of parental rights would be detrimental to *[name of child]*, when compared with the benefits of legal permanence through adoption.

Note: The party claiming that termination would be detrimental to the child has the burden of proving the detriment. [Cal Rules of Ct 1463\(d\)\(2\)](#). See discussion in [§104.46](#).

(6) Legal Guardianship

Letters of guardianship are issued and *[name of guardian]* is appointed as the legal guardian for *[name of child]*.

Dependency of *[name of child]* is *[continued/dismissed]*.

Visitation between the parents and *[name of child]* is *[to continue/terminated]*.

(7) Long-Term Foster Care

[Name of child] is to be placed in long-term foster care subject to the regular court review.

Note: If no suitable foster homes are available, the court may transfer custody of the child to a licensed foster family agency subject to further orders of the court. [Welf & I C §366.26\(b\)\(5\)](#); [Cal Rules of Ct 1463\(d\)\(5\)](#).

(8) Future Hearings

A hearing is set for *[date]* for the purpose of *[specify, e.g., reviewing status of child/reviewing progress toward finding adoptive parent]*.